

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

D'VAUGHN CORTEZ HILL,

Plaintiff,

v.

CORCORAN STATE PRISON, et al.,

Defendants.

Case No. 1:23-cv-0870 JLT EPG (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT THIS ACTION
BE DISMISSED WITHOUT PREJUDICE FOR
FAILURE TO COMPLY WITH COURT
ORDERS AND FAILURE TO PROSECUTE

(Doc. 17)

D'Vaughn Cortez Hill seeks to hold Defendants liable for violations of his civil rights pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The magistrate judge screened the complaint pursuant to 28 U.S.C. § 1915A, and found Plaintiff failed to state a cognizable claim on August 21, 2023. (Doc. 13.) The magistrate judge directed Plaintiff to file any amended complaint within 30 days. (*Id.* at 1, 8.) In the alternative, Plaintiff was informed he could notify the Court that he wished to stand on the allegations of the complaint, though the magistrate judge would recommend the action be dismissed. (*Id.*) In addition, Plaintiff was warned failure to comply with the Court's order may result in dismissal. (*Id.*) Plaintiff did not file an amended complaint or otherwise respond to the Court's order.

On October 11, 2023, the magistrate judge found Plaintiff failed to comply with the Court's order and failed to prosecute this action. (Doc. 17.) Therefore, the magistrate judge

1 recommended the action be dismissed without prejudice. (*Id.* at 3.) The Findings and
2 Recommendations were served on Plaintiff and contained a notice that any objections were due
3 within 14 days. (*Id.*) Plaintiff was also informed the “failure to file objections within the
4 specified time may result in waiver of his rights on appeal.” (*Id.*, citing *Wilkerson v. Wheeler*,
5 772 F.3d 834, 839 (9th Cir. 2014).) He did not file objections, and the time to do so expired.

6 According to 28 U.S.C. § 636(b)(1)(C), the Court performed a de novo review of this
7 case. Having carefully reviewed the entire matter, the Court concludes the Findings and
8 Recommendation are supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendations filed on October 11, 2023 (Doc. 17) are
10 **ADOPTED** in full.
- 11 2. The action is **DISMISSED** without prejudice.
- 12 3. The Clerk of Court shall close this case.

13
14 IT IS SO ORDERED.

15 Dated: **November 8, 2023**


UNITED STATES DISTRICT JUDGE